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Article 3: Police Regulated Occupations and Businesses**Division 3: Applications for Permits**

*(“Applications” retitled to “Applications for Permits”
on 11-20-2000 by O-18885 N.S.)*

§33.0301 Chief of Police Authority to Investigate

The Chief of Police, or other designated official, shall make such investigation as may be deemed to be sufficient to determine the applicant’s fitness to conduct the occupation or business or game of skill specified in the application, or to determine if the place at which it is proposed that the occupation or business or game of skill is to be conducted in a suitable or proper place therefor, or to determine if the occupation or business or game of skill is a lottery or a form of gambling or may be used to promote gambling or the conducting of a lottery or any illegal activity
(“Applications Forwarded to Chief of Police” repealed; “Chief of Police Authority to Investigate” renumbered from Sec. 33.0302, retitled and amended 11–20–2000 by O–18885 N.S.)

§33.0302 Duty to Complete Applications; Incomplete Applications; Single Occasion Event Applications

- (a) Every applicant shall submit a complete application to the *Chief of Police*.
- (b) If an applicant files an incomplete application, that application will not be accepted by the *Chief of Police*. The application will be returned to the applicant and marked "Incomplete - Application Rejected" no later than five business days after receipt by the *Chief of Police*. The rejection of an application under this Section is not appealable.
- (c) An application for a single occasion event must be submitted thirty calendar days prior to the event. Any application submitted less than thirty calendar days prior to the single occasion event (1) may be rejected if the background investigation cannot be completed; and (2) will be subject to a penalty fee of an additional 100 percent of the application fee. Any application submitted within three business days of the event will be automatically rejected.

(“Chief of Police shall Investigate Applicant’s Fitness” renumbered to Sec. 33.0301; “Duty to Complete Applications: Incomplete Applications; Single Occasion Event Applications” added 11-20-2000 by O-18885 N.S.)

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§33.0303 Time Allowed for Investigation; Temporary Status for Performers

- (a) The *Chief of Police* shall have thirty calendar days to investigate the applicant. Unless otherwise stated, if the *Chief of Police* fails to act on any complete *permit* application within thirty calendar days from the date of its delivery to the *Chief of Police*, the application will be deemed approved and the *permit* shall be issued.
- (b) Except for applications submitted to obtain *permits* under Chapter III, Article 3, Divisions 33 and 36 of this Code, or for any other business or occupation protected by the First Amendment, upon written notification to the applicant, the *Chief of Police* is allowed up to fourteen additional calendar days to investigate an applicant.
- (c) Performers engaged in an activity protected by the First Amendment, including those governed by Division 36 (Nude Entertainment), may perform in a temporary status during the 30-day investigation period or until their application for a *permit* is denied, whichever comes first. If the application for a *permit* is granted, their temporary status expires and the applicant may perform as a *permittee*. During the temporary status period, the performer must abide by all laws including this Code, applicable to a *permittee*.

(“*Applicant and Employees to Furnish Fingerprints and Photographs — Notice of Change of Ownership*” renumbered to Sec. 33.0304; “*Time Allowed for Investigation; Temporary Status for Performers*” added 11-20-2000 by O-18885 N.S.)

§33.0304 Applicant and Employees to Furnish Fingerprints and Photographs

For the purpose of investigation and for regulation of the occupation or business during the time it is licensed, applicants, *responsible persons*, managers, or *employees* may be required to furnish their fingerprints and photographs. Fingerprints must be taken by a governmental agency. The *Chief of Police* shall forward the fingerprints to the Identification Division of the State of California, Department of Justice, or the Federal Bureau of Investigation, for identity confirmation and criminal histories.

(“*Issuance or Denial of License or Permit*” renumbered to Sec. 33.0304; “*Applicant and Employees to Furnish Fingerprints and Photographs — Notice of Change of Ownership*” renumbered from Sec. 33.0303, retitled and amended 11-20-2000 by O-18885 N.S.)

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§33.0305 Permit Issuance and Grounds for Denial

Except as otherwise provided in this Code, upon completion of the investigation of an applicant, the *Chief of Police* shall issue a *permit* unless:

- (a) the applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application; or
- (b) the applicant is under eighteen years of age, unless the particular business or occupation has a different age requirement pursuant to state or federal law, in which case the state or federal law controls the age requirement; or
- (c) the applicant has had a similar type of *license* or *permit* previously denied, suspended for a total of six months, or revoked, within five years immediately preceding the date of the filing of the application, and the applicant can show no material changes in circumstances since such denial, suspension, or revocation; or
- (d) the applicant has refused to consent to inspection pursuant to Section 33.0103; or
- (e) the applicant is within any of the following categories:
 - (1) within five years immediately preceding the date of application, the applicant has *been convicted* of a felony crime in any jurisdiction involving the following offenses: theft, fraud, violence, sale of a controlled substance as specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code, or any moral turpitude offense;
 - (2) within three years immediately preceding the date of application, the applicant has *been convicted* of any offense listed in Section 33.0305(e)(1) that has been made the subject of Section 17(b) of the California Penal Code;
 - (3) within five years immediately preceding the date of application, the applicant has *been convicted* of any offense involving deceptive trade practices or other illegal business practices reasonably and narrowly related to the nature of conduct of the business for which the application is made;

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- (4) in addition to the other categories, if the applicant is applying for a *permit* to engage in a business regulated under Divisions 9, 11, 32 or 43 of this Article, within five years immediately preceding the date of the application, the applicant has *been convicted* of any offense involving theft or fraud, including the receipt of stolen property, or any financial crime including money laundering and embezzlement.
- (f) the applicant has failed to provide proof of any application requirement as set forth in the Division regulating the business or occupation the applicant desires to engage in.
- (“Approval or Denial Stamped on Application by Investigating Official” repealed; “Issuance or Denial of License or Permit” renumbered from Sec. 33.0304, retitled and amended 11-20-2000 by O-18885 N.S.)*

§33.0306 Denial of Permit in Writing

If the *permit* is denied, the notification and reasons therefor shall be set forth in writing and shall be sent immediately to the applicant by means of registered mail or certified mail, or shall be hand-delivered to the applicant.

(“Time Allowed for Investigation” repealed; “Denial of Permit in Writing” added 11-20-2000 by O-18885 N.S.)

§33.0307 Application and Regulatory Fees

It is the policy of The City of San Diego that the cost of investigating and processing an application for a *police permit* is to be borne by the applicant. To this end, unless otherwise specified, all applications shall be accompanied by a non-refundable application fee, which will cover the cost of investigating and processing the application. Any *person* who desires to obtain a business *permit* and an occupational *permit* (for example, a *massage establishment permit* and a *massage therapist permit*) shall pay only one application fee if the applications are submitted concurrently.

It is the policy of The City of San Diego that the cost of inspecting, regulating, and enforcing laws relating to police-regulated businesses be borne by the *permittees* in the form of regulatory fees. To this end, unless otherwise specified, regulatory fees shall be paid according to the schedule set in the City Clerk's Composite Rate Book. *(“Term of Permit and Renewal” renumbered to Sec. 33.0308; “Application and Regulatory Fees” added 11-20-2000 by O-18885 N.S.)*

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§33.0308 Term of Permit and Renewal

- (a) Any *permit* issued shall be valid for a period of one year from the date of issuance, except as to *permits* for occasional events and alarms which shall be valid only for the specified duration.
- (b) Except as provided in Section 33.0308(e), (f), (g) and (i), each *permit* may be renewed annually upon payment of the regulatory fee specified in the City Clerk's Composite Rate Book and the submission of a renewal form.
- (c) If a completed renewal form is not received on the date required, the *permittee* has ten calendar days in which to submit the renewal form and pay the regulatory fee without any penalty.
- (d) If the renewal form is received within less than thirty but more than ten calendar days after the due date, an additional \$25 plus ten percent of the regulatory fee is due in order to complete the renewal.
- (e) If a renewal is not complete with all fees and penalties paid within thirty calendar days after the due date, the *permit* expires and business operations, occupations, or activities allowed by the *permit* must cease. A *permittee* must then begin the application process as a new applicant.
- (f) Any changed circumstance which would have been grounds for denial of the application is grounds for denying the *permittee* a renewed *permit*.
- (g) Failure to disclose any material circumstance, whether or not such circumstance would have been grounds for denial under Section 33.0305, is grounds for denying the *permittee* a renewed *permit*.
- (h) A *permittee* may appeal the refusal to renew a *permit* as provided in Division 3.
- (i) Under no circumstances may a *permit* be renewed if an action to revoke the *permit* is in progress or has been taken. If a *permittee* succeeds in having the revocation action overturned, the *permittee* must pay the regulatory fees for the time, if any, the *permittee* was allowed to operate during the appeal process.

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- (j) If the *permittee* meets the criteria in this Section, a renewed *permit* shall be issued by the *Chief of Police* and sent to the *permittee*.
(“*Temporary Permits for Employees of Police Regulated Businesses*” repealed;
“*Term of Permit and Renewal*” renumbered from Sec. 33.0307 and amended 11-20-2000 by O-18885 N.S.)

§33.0309 Effect of Granting Permit

The granting of a police permit does not relieve the applicant from obtaining all appropriate permits or approvals required by The City of San Diego, or state or federal law.

The granting of a permit does not relieve a *permittee* from the *permittee’s* obligation to comply with all applicable local, state, and federal laws, including those related to building, zoning, and fire, and other public safety regulations.

The granting of a police permit does not vest any development rights in the property or business.

(“*Effect of Granting Permit*” added 11-20-2000 by O-18885 N.S.)

§33.0310 Change of Location

A change of location of a police-regulated business that operates from a fixed location requires a new application and new *police permit*.

(“*Selling, Peddling by Weight — Certificate of Scales — Testing Required*” repealed;
“*Change of Location*” added 11-20-2000 by O-18885 N.S.)

§33.0311 Notice of Change of Ownership

In the event of a change of ownership, a new application must be submitted and approved before a *permit* is issued in the name of the new owner. Thirty calendar days after the sale or transfer of any interest to any *person*, the *permit* shall be null and void, and all police-regulated activity must cease until a new *permit* is issued to the new owner.

(“*Notice of Change of Ownership*” added 11-20-2000 by O-18885 N.S.)

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§33.0312 Notice of Change of Employers

Any person engaged in a police-regulated occupation must notify the *Chief of Police* of any change of employment within fifteen calendar days of changing to the new employer.

(“*Notice of Change of Employers*” added 11-20-2000 by O-18885 N.S.)

§33.0313 Responsible Persons; Managers

If the *permittee* is not directly involved in the day-to-day management of the police-regulated business, or if the *permittee* has other managers in addition to him or herself, the *permittee* shall provide the names of all such managers and *responsible persons* to the *Chief of Police*. In the event of a change in such *persons*, the *permittee* shall notify the *Chief of Police* within thirty calendar days of such a change.

(“*Responsible Persons; Managers*” added 11-20-2000 by O-18885 N.S.)